Case 1:02-cv-02068-WMN

AFFIDAVIT OF DARRELL VOSS

- 1. My name is Darrell Voss, and I am over 18 years of age and competent to testify to the matters set forth herein.
- 2. I am aware of the pending lawsuit involving William Lockwood in which SR Suntour, USA has been sued as a third-party defendant by Pacific USA, LTD, Pacific Cycle, LLC and Toys "R" Us in Civil Action No. WMN-02-2068 in the United States District Court for the District of Maryland.
- 3. I am President of USUL Corporation ("USUL") and based on my position have knowledge and information about the status of SR Suntour, USA in the context of this case. USUL Corporation was registered as a corporation in August 1998 in the state of Washington. Its business address is 1409 Broadway, Vancouver, Washington 98663. On June 9, 1999, USUL had no affiliation of any kind with SR Suntour, Inc. In August 2000, USUL contracted with SR Suntour, Inc. for the explicit and limited purpose of marketing SR Suntour, Inc.'s products and improving its sales relationships. USUL has had no other relationship with SR Suntour, Inc.
- 4. "SR Suntour, USA" is an unregistered, non-licensed trade name that beginning in February 2002 was used by USUL for the limited purpose of mailings, advertising and warranty contact for SR Suntour, Inc. No other use was made of the name. SR Suntour, USA is not now and never has been a separate legal entity. SR Suntour, USA was not an existing legal entity prior to or on June 7, 1999 when the incident at issue occurred and, therefore, it had no relationship to the legal entities involved in the design, manufacture or sale of the bicycle or any of its component parts that are at issue in this case.

5. I have never been an agent authorized by SR Suntour, USA or SR Suntour, Inc. to receive service of legal papers on behalf of SR Suntour, USA or SR Suntour, Inc. and was not such an agent when handed the Third-Party Complaint against SR Suntour, USA and SR Suntour, Inc. in this case.

I, the undersigned, do hereby solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing are true and accurate to the best of my knowledge, information and belief.

> Darrell Voss, Président USUL Corporation.

STATE OF

Subscribed and sworn to before me on this

My commission expires: χ_{e} – 25 – 06